

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

RODERICK BO JACKSON,)
)
 Plaintiff,)
)
v.)
)
KEVIN JOSEPH GROGAN, *et al.*,)
)
 Defendant.)

Case No. CV415-079

REPORT AND RECOMMENDATION

Roderick Bo Jackson filed this 42 U.S.C. § 1983 action alleging that he was arrested pursuant to a warrant that constituted a “false document” because the judge’s signature was not “legible.” Doc. 1 at 7.¹ This is one of four civil cases Jackson has commenced in this Court related to his arrest and prosecution on aggravated assault charges.²

¹ The Court is citing to the CM/ECF page numbers imprinted by its docketing software at the top of each document.

² In each case Jackson alleges that one or more state officials (a police detective, prosecutor, and/or judge) violated his constitutional rights during the investigation and prosecution of state criminal charges arising from his arrest on September 30, 2013. *Id.*; *Jackson v. Phillips*, CV415-127 (filed May 11, 2015); *Jackson v. Ruffini*, CV414-250 (filed November 17, 2014); *Jackson v. Grogan*, CV414-249 (filed

Here, he seeks both the dismissal of the criminal case and \$100,000 in damages for his “pain and suffering.” *Id.* at 8. This complaint, like his others, is frivolous and should be dismissed upon initial screening pursuant to 28 U.S.C. § 1915A (which requires early screening and dismissal of prisoner/detainee complaints against governmental entities or officials that are frivolous or malicious, fail to state claim for relief, or seek monetary damages from a defendant who is immune from such relief) and 28 U.S.C. § 1915(e)(2)(B) (imposing the same dismissal obligation as to any factually or legally insubstantial complaint filed *in forma pauperis*).

As part of his claim for relief, Jackson requests that his aggravated assault case “be dropped,” which would require his immediate or speedier release from custody. Doc. 1 at 8. It is well established, however, that “a prisoner in state custody cannot use a § 1983 action to

November 17, 2014). Jackson’s central claim is this: although he was properly charged with, and confessed to, the misdemeanor offense of obstruction by fleeing, he was falsely charged and prosecuted for various felony offenses (each dependent upon his possession of a firearm). Since the filing of these complaints, Jackson was tried by a jury, convicted, and sentenced in the Superior Court of Chatham County, Georgia on one of the felony charges. *See* attached criminal docket (reflecting his sentencing on Aug. 7, 2015).

challenge ‘the fact or duration of his confinement.’” *Wilkinson v. Dotson*, 544 U.S. 74, 77 (2005) (quoting *Preiser v. Rodriguez*, 411 U.S. 475, 489 (1973)). Because Jackson is seeking the dismissal of the state criminal charges pending at the time he filed his complaint (and hence is challenging the validity of his subsequent conviction on those charges), “his sole federal remedy is a writ of habeas corpus.” *Preiser*, 411 U.S. at 500. But before he can seek federal habeas relief, he must first exhaust his state court remedies. *Wilkinson*, 544 U.S. at 79 (“habeas corpus actions require petitioner fully to exhaust state remedies, which § 1983 does not”); *Fain v. Duff*, 488 F.2d 218, 223 (5th Cir. 1973) (the exhaustion requirement codified in § 2254(b) applies to all habeas corpus actions, including § 2241 petitions); *Thomas v. Crosby*, 372 F.3d 782, 786 (11th Cir. 2004) (Tjoflat, J., concurring). If Jackson wishes to proceed via habeas corpus, he must submit a separate petition in compliance with the applicable rules. Again, however, any such petition would be subject to immediate dismissal for lack of exhaustion of his available state remedies, for it is clear that Jackson could not possibly have done so in the short time since his August 2015 state sentencing proceeding.

Jackson also seeks monetary damages from Kevin Grogan, the officer who executed the warrant for his arrest, as well as the “Chatham County Police Department” and the Recorder’s Court Judge who “supposedly signed” the warrant. *Id.* at 1, 4. He contends that the warrant was “a false document” because the judge’s signature is illegible. Because this suit relates to the “*wrongful institution* of legal process” by a state official, Jackson’s cause of action rests upon a theory of malicious prosecution rather than false arrest. *Wallace v. Kato*, 549 U.S. 384, 390 (2007) (emphasis in original). The Eleventh Circuit “has identified malicious prosecution as a violation of the Fourth Amendment and a viable constitutional tort cognizable under § 1983.” *Wood v. Kesler*, 323 F.3d 872, 881 (11th Cir. 2003). But an essential element of a malicious prosecution claim is the termination of the criminal prosecution in the plaintiff’s favor. *Id.* at 882. At the time he filed his complaint Jackson’s state criminal case was still pending, and the attached state court docket reflects that the state criminal proceeding culminated in his conviction following a jury trial in the local superior court. Jackson, therefore, cannot bring suit challenging the wrongful issuance of legal process (his arrest warrant) until that conviction is overturned.

Even were this not the case, Jackson would still lose on initial review. Jackson does not contend that the Recorder's Court failed to issue the arrest warrant but only that the judge's signature on that warrant is illegible. In fact, he furnishes a copy of the arrest warrant reflecting that the judge *did* sign the warrant. Judges, like everyone else, sometimes have bad penmanship or otherwise develop an abbreviated signature that more resembles a mysterious glyph than a script that is actually readable. But any distinctive mark can suffice as a signature on a bank check, promissory note, contract, marriage license, will, or judicial order. Indeed, there is no constitutional requirement that a warrant contain a signature of any kind, much less a readable one. U.S. Const. amend. IV; see *United States v. Cruz*, 774 F.3d 1278, 1285 (10th Cir. 2014) (unsigned search warrant not facially invalid); *United States v. Lyons*, 740 F.3d 702, 727 (1st Cir. 2014) ("we find no sufficient reason to read a signature requirement into the Fourth Amendment"); *United States v. Eubank*, 2015 WL 3557962 at * 2, n. 2 (S.D. Ga. Mar. 31, 2015). None of Jackson's rights, therefore, were violated because the signature on the warrant failed to meet his personal standards of good penmanship.

Finally, even if Jackson's complaint stated a non-frivolous claim for relief (which it does not), judges are entitled to absolute immunity for all actions taken within their judicial capacity, except when they act in the clear absence of all jurisdiction. *Harris v. Goderick*, 608 F. App'x 760, 762 (11th Cir. Apr. 22, 2015). The signing of an arrest warrant is clearly an act taken by a judge in the course of his judicial duties. The defendant judge, therefore, enjoys absolute immunity from suit on the theory raised in Jackson's complaint. *Id.* at 763 (judge entitled to absolute immunity for mistakenly issuing warrant for plaintiff's arrest).

Jackson has failed to state any plausible claim for relief, and there is no hope that if given a chance to amend he could cure the deficiencies of his complaint. His action, therefore, must be dismissed *sua sponte* as legally frivolous or, at the very least, for failure to state a claim. 28 U.S.C. § 1915A (requiring screening "before docketing if feasible or . . . as soon as practicable after docketing"); 28 U.S.C. § 1915(e)(2) (requiring dismissal "at any time" the Court determines the suit to be factually or legally insubstantial).

SO REPORTED AND RECOMMENDED, this 8TH day of
October, 2015.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA



[Home](#)
[Juvenile Court](#)
[Magistrate Court](#)
[Probate Court](#)
[Recorder's Court](#)
[State Court](#)
[Superior Court](#)
[Court Forms](#)
[Court Fees](#)

October 08, 2015

Location: [Case Details](#)

Search...

CASE LOOKUP

COURT FORMS

COURT FEES

MAP & DIRECTIONS

JURY SERVICES

SITE SEARCH

Case Details

State
VS.
JACKSON, RODERICK BO

■ [Case Events](#)■ [Charges](#)■ [Parties](#)■ [Proceedings](#)

Case Information

Court: Superior
Case Number: CR132650
Case Type: CRIM ATT-ARMED ROBBERY
Judge: HONORABLE MICHAEL KARPf
Assistant District Attorney: BOONE PHILLIPS
Date Filed: 12/18/2013
Status: CLOSED - JURY GUILTY
Disposition Date: 8/7/2015
Disposition: JURY GUILTY

Defendant Information

Name: JACKSON, RODERICK BO
DIN: P0407495
Gender: MALE
Race: AFRICAN AMERICAN
Height: 74
Weight: 138
Eyes: BROWN
Hair: BLACK

Attorney Information

N/A

Bondsman Information

N/A

Case Events

Date	Time	Code	Judge	Action
9/29/2015 11:37:23 AM	11:37AM	TRANSCRIPT RECEIVED		
9/29/2015 11:36:18 AM	11:36AM	TRANSCRIPT RECEIVED		
9/15/2015 12:52:21 PM	12:52PM	TRANSCRIPT RECEIVED		
9/11/2015 1:46:55 PM	1:46PM	TRANSCRIPT RECEIVED		
8/7/2015	09:05AM	SEN	MICHAEL KARPf	
7/14/2015	09:30AM	JURY TRIAL	MICHAEL KARPf	
7/7/2015	09:30AM	JURY TRIAL DOCKET REVIEW	MICHAEL KARPf	
6/29/2015	09:35AM	MOTION HEARING (MTH)	MICHAEL KARPf	
6/26/2015	09:05AM	MOTION HEARING (MTH)	MICHAEL KARPf	
6/10/2015 12:17:40 PM	12:17PM	TRANSCRIPT RECEIVED		
5/26/2015	09:30AM	JURY TRIAL DOCKET REVIEW	MICHAEL KARPf	RESCHEDULE EVENT
5/7/2015 12:53:03 PM	12:53PM	TRANSCRIPT RECEIVED		
5/1/2015	09:05AM	MOTION HEARING (MTH)	MICHAEL KARPf	
4/14/2015	09:30AM	JURY TRIAL DOCKET REVIEW	MICHAEL KARPf	
4/10/2015	09:05AM	MOTION HEARING (MTH)	MICHAEL KARPf	
2/2/2015	09:30AM	JURY TRIAL	MICHAEL KARPf	
1/26/2015	09:30AM	JURY TRIAL	MICHAEL KARPf	
1/13/2015	09:30AM	JURY TRIAL DOCKET REVIEW	MICHAEL KARPf	
10/16/2014	2:31PM	ARRAIGN/TRIAL DOCKET CALL	PENNY FREESEMAN	
9/2/2014	2:02PM	ARRAIGN/TRIAL DOCKET CALL	PENNY FREESEMAN	
8/8/2014	2:30PM	MOTION HEARING (MTH)	PENNY FREESEMAN	
6/16/2014	11:00AM	PRETRIAL CONFERENCE	PENNY FREESEMAN	
5/8/2014	10:30AM	ARRAIGNMENT/CALENDAR CALL	PENNY FREESEMAN	

5/5/2014	09:30AM	ARRAIGNMENT/CALENDAR CALL	PENNY FREESEMAN	RESCHEDULE EVENT
3/11/2014	2:30PM	STATUS CONFERENCE HEARING	PENNY FREESEMAN	

[\[Return to Top\]](#)**Charges**

Charge	Description	Counts	Severity	Charge Date	Disposition
16-10-24	OBSTRUCTION	1	MISDEMEANOR	9/30/2013 5:28:15 PM	Guilty 7/17/2015
Sentencing Details:		Description		Fine	Duration
				\$0.00	12 Months-PRISON
16-11-131	POSSESS FIREARM BY CONVICTED FELON	1	FELONY	9/30/2013 5:28:27 PM	Guilty 7/17/2015
Sentencing Details:		Description		Fine	Duration
		CONSEC TO Count 7		\$0.00	5 Years-PRISON
16-4-1	CRIMINAL ATTEMPT	1	FELONY	12/19/2013	Not Guilty 7/17/2015
16-11-106	POSS FIREARM/KNIFE IN COMMITTING CRIME	1	FELONY	12/19/2013	Not Guilty 7/17/2015
16-4-1	CRIMINAL ATTEMPT	1	FELONY	12/19/2013	Not Guilty 7/17/2015
16-11-106	POSS FIREARM/KNIFE IN COMMITTING CRIME	1	FELONY	12/19/2013	Not Guilty 7/17/2015
16-4-1	CRIMINAL ATTEMPT	1	FELONY	12/19/2013	Guilty 7/17/2015
Sentencing Details:		Description		Fine	Duration
				\$0.00	10 Years-PRISON
16-11-106	POSS FIREARM/KNIFE IN COMMITTING CRIME	1	FELONY	12/19/2013	Guilty 7/17/2015
Sentencing Details:		Description		Fine	Duration
				\$0.00	5 Years-PRISON
16-5-24	AGGRAVATED BATTERY	1	FELONY	12/19/2013	Guilty 7/17/2015
Sentencing Details:		Description		Fine	Duration
				\$0.00	20 Years-PRISON

[\[Return to Top\]](#)**Proceedings**

9/29/2015 11:37:23 AM	11:37AM	TRANSCRIPT RECEIVED			07/14-17/15 MASTER INDEX TO JURY TRIAL TRANSCRIPT, JUDGE KARPf PRESIDING
9/29/2015 11:36:18 AM	11:36AM	TRANSCRIPT RECEIVED			07/14-17/15 VOLUME 2, JURY TRIAL TRANSCRIPT, JUDGE KARPf PRESIDING
9/29/2015		PRO SE MOTION		MICHAEL KARPf	MTN FOR EXTENSION OF TIME TO FILE TRANSCRIPTS/
9/16/2015		MEMORANDUM			
9/15/2015 12:52:21 PM	12:52PM	TRANSCRIPT RECEIVED			07/14-17/15 VOLUME 1, JURY TRIAL TRANSCRIPT, JUDGE KARPf PRESIDING
9/11/2015 1:46:55 PM	1:46PM	TRANSCRIPT RECEIVED			08-07-15 SENTENCING HEARING, JUDGE KARPf PRESIDING
8/28/2015		PRO SE MOTION			MTN FOR EXTENSION OF TIME TO FILE TRANSCRIPT/
8/25/2015		PRO SE MOTION		MICHAEL KARPf	MTN FOR NEW TRIAL/
8/21/2015		VERDICT			
8/12/2015		PRO SE LETTER RECEIVED			REQUEST GRAND JURY TRANSCRIPTS/
8/7/2015		EXHIBIT & WITNESS LIST			
8/7/2015		STATEMENT OF APPEAL			
8/7/2015		CASE DISPOSED	GUILTY	MICHAEL KARPf	CASE DISPOSED GT
8/7/2015	09:05AM	SEN		MICHAEL KARPf	
7/17/2015		VERDICT			RECEIPT FOR EVIDENCE/EXHIBIT AND WITNESS LIST/

7/15/2015		PRO SE MOTION		MICHAEL KARPFF	MTN TO QUASH INDICTMENT/
7/15/2015		STATE'S JURY CHARGES			DEF REQ TO CHARGE/PET FOR USE IMMUNITY FOR WITNESS/ORDER GRANTING USE IMMUNITY TO WITNESS-KEVIN GROGAN/
7/14/2015	09:30AM	JURY TRIAL		MICHAEL KARPFF	
7/10/2015		ENTRY OF APPEARANCE			ASSISTING PRO SE DEF-THOMAS BATESKI
7/9/2015		LIST OF WITNESSES			
7/7/2015	09:30AM	JURY TRIAL DOCKET REVIEW		MICHAEL KARPFF	
7/2/2015		STATES SUPPLEMENTAL DISCOVERY			NTC OF RECIDIVIST PROSECUTION/NTC OF INTENT TO INTRO EVIDENCE IN AGGRAVATION/NTC OF INTENT TO IMPEACH WITH PRIOR CONVICTION/LIST OF WITNESSES/NTC OF STATE INTENTION TO OFFER RECORDED JAIL VISITS INTO EVIDENCE/
6/29/2015		EXHIBIT & WITNESS LIST			
6/29/2015		LIST OF WITNESSES			
6/29/2015		NOTICE - OF INTENT			BY STATE TO OFFER 911 CALL AND POLICE RADIO TRAFFIC INTO EVIDENCE UNDER OCGA 24-8-803/24-9-902
6/29/2015		LIST OF WITNESSES			
6/29/2015	09:35AM	MOTION HEARING (MTH)		MICHAEL KARPFF	
6/26/2015	09:05AM	MOTION HEARING (MTH)		MICHAEL KARPFF	
6/10/2015 12:17:40 PM	12:17PM	TRANSCRIPT RECEIVED			05-01-15 MOTION HEARING, JUDGE KARPFF PRESIDING
6/10/2015		PRO SE MOTION			MTN RESERVING THE RIGHT TO FILE ADDITIONAL MTNS/
5/29/2015		SPECIAL DEMURRER			MY STATEMENT OF INNOCENCE/
5/28/2015		PRO SE MOTION			MTN FOR DISCLOSURE OF IMPEACHING INFO/
5/26/2015	09:30AM	JURY TRIAL DOCKET REVIEW	RESCHEDULE EVENT	MICHAEL KARPFF	
5/8/2015		PRO SE MOTION			MTN FOR DISCLOSURE OF SIMILAR OR EXTRINSIC ACT EVIDENCE AND FOR A PRETRIAL HEARING TO DETERMINE THE ADMISSIBILITY OF ANY ACTS ALLEGED BY THE STATE TO BE SIMILAR TRANSACTION/
5/7/2015 12:53:03 PM	12:53PM	TRANSCRIPT RECEIVED			04-14-15 JURY DOCKET REVIEW, JUDGE KARPFF PRESIDING
5/4/2015		ORDER			MTN TO SUPPRESS-DENIED/MTN TO CONTINUE-GRANTED/MTN TO DEMURRER-DENIED/
5/1/2015	09:05AM	MOTION HEARING (MTH)		MICHAEL KARPFF	
4/29/2015		PRO SE MOTION			CONSOLIDATED MTNS PKG/
4/27/2015		PRO SE LETTER RECEIVED			
4/23/2015		PRO SE MOTION			MTN TO ACT PRO SE WITH ASSISTANCE OF COUNSEL/
4/21/2015		PRO SE MOTION			MTN TO SUPPRESS/
4/20/2015		PRO SE MOTION			MTN TO COMPEL/MTN FOR EXTENSION OF TIME TO PREPARE TRIAL DEFENSE/
4/14/2015		PRO SE MOTION			SPECIAL DEMURRER AND MTN TO DISMISS THE INDICTMENT/
4/14/2015	09:30AM	JURY TRIAL DOCKET REVIEW		MICHAEL KARPFF	
4/10/2015	09:05AM	MOTION HEARING (MTH)		MICHAEL KARPFF	
4/9/2015		PRO SE LETTER RECEIVED AND CLERKS RESPONSE			

3/20/2015		ORDER			MTN TO WITHDRAW ATTY SOLOMON AMUSAN-GRANTED/
3/11/2015		MOTION - TO WITHDRAW ATTY			S0OLOMON AMUSAN/
3/2/2015		PRO SE LETTER RECEIVED			
2/2/2015	09:30AM	JURY TRIAL		MICHAEL KARPf	
1/30/2015		STATES SUPPLEMENTAL DISCOVERY			
1/28/2015		LIST OF WITNESSES			
1/26/2015		MOTION - IN LIMINE			TO EXCLUDE THE USE OF THE PREJUDICIAL TERM VICTIM/MTN IN LIMINE/
1/26/2015	09:30AM	JURY TRIAL		MICHAEL KARPf	
1/20/2015		LIST OF WITNESSES			
1/20/2015		NOTICE TO CLERK OF SUPERIOR COURT			
1/13/2015	09:30AM	JURY TRIAL DOCKET REVIEW		MICHAEL KARPf	
12/4/2014		ORDER			OMNIBUS ORDER/ STATE'S MOTION TO DISMISS MOTION TO SUPPRESS - GRANTED DEFENDANT'S JACKSON-DENNO MOTION AND STATE'S MOTION IN LIMINE REGARDING SELF-SERVING STATEMENTS - GRANTS/ DEFENDANT'S MOTION TO SUPPRESS IDENTIFICATION - DENIED/ STATES 404(B) MOTION - GRANTED/
10/23/2014		PRO SE LETTER RECEIVED AND CLERKS RESPONSE			
10/16/2014	2:31PM	ARRAIGN/TRIAL DOCKET CALL		PENNY FREESEMAN	
9/5/2014		TRANSCRIPT RECEIVED			MOTIONS HEARING AUGUST 8,2014
9/2/2014	2:02PM	ARRAIGN/TRIAL DOCKET CALL		PENNY FREESEMAN	
8/20/2014		BRIEF			STATE'S BRIEF IN SUPPORT OF ADMISSIONS OF TRANSACTIONS PROFFERED (404)B/
8/12/2014		STATES DISC RESTRICTED ACCESS 35-3-38			PURSUANT TO O.C.G.A.§35-6-38/
8/8/2014		EXHIBIT & WITNESS LIST			
8/8/2014		MOTION - IN LIMINE	GRANTED		REGARDING SELF SERVING STATEMENTS/
8/8/2014	2:30PM	MOTION HEARING (MTH)		PENNY FREESEMAN	
7/28/2014		LIST OF WITNESSES			
7/21/2014		ORDER			ORDER ON DEF MOTION FOR EXTENSION OF TIME TO FILE ADD MOTIONS-GRANTED/
7/15/2014		MOTION	GRANTED		MOTION FOR EXTENSION OF TIME TO FILE ADDITIONAL MOTIONS/
7/8/2014		STATES SUPPLEMENTAL DISCOVERY			AMENDED/
7/8/2014		NOTICE OF TRANSACTIONS PUR OCGA 24-4-404(B)	GRANTED		
7/1/2014		STATES DISC RESTRICTED ACCESS 35-3-38			SEALED RECORDS/
6/27/2014		PRO SE LETTER RECEIVED AND CLERKS RESPONSE			
6/16/2014		PRETRIAL CONF SCHED ORDER			
6/16/2014	11:00AM	PRETRIAL CONFERENCE		PENNY FREESEMAN	
5/20/2014		ORDER			ORDER ON DEFENDANT'S PRO SE MOTION (1) JANUARY 15, 2014, DEMURRER AND MOTION TO DISMISS THE INDICTMENT (2) JANUARY 15, 2014 MOTION TO COMPEL - DISMISSED/

5/8/2014	10:30AM	ARRAIGNMENT/CALENDAR CALL		PENNY FREESEMAN	
5/5/2014	09:30AM	ARRAIGNMENT/CALENDAR CALL	RESCHEDULE EVENT	PENNY FREESEMAN	
4/7/2014		CONSOLIDATED MOTIONS PACKAGE			DEFENDANT'S DISCOVERY REQUEST AND NOTICE OF DEFENDANT'S ELECTION TO PROCEED/
4/7/2014		DEFENDANTS ELECTION TO PROCEED UNDER OCGA 17-16-1			
3/14/2014		PRO SE LETTER RECEIVED AND CLERKS RESPONSE			
3/11/2014	2:30PM	STATUS CONFERENCE HEARING		PENNY FREESEMAN	
1/15/2014		PRO SE MOTION	DISMISSED		MOTION TO COMPEL/
1/15/2014		PRO SE MOTION	DISMISSED		DEMURRER AND MOTION TO DISMISS THE INDICTMENT/
1/10/2014		CONSOLIDATED MOTIONS PACKAGE			
12/31/2013		PRO SE LETTER RECEIVED AND CLERKS RESPONSE			
12/19/2013 10:54:09 AM		SCN			INITIAL CASE SCREENING / SCANNING
12/18/2013		INDICTMENT			

[\[Return to Top\]](#)
[Home](#) | [Juvenile Court](#) | [Magistrate Court](#) | [Probate Court](#) | [Recorder's Court](#) | [State Court](#) | [Superior Court](#) | [Court Forms](#) | [Court Fees](#)

© Copyright 2015 - Chatham County Courts .